



COMMONS REGISTRATION ACT 1965

Reference No.52/U/22

In the Matter of disused quarry adjacent
to Old School and adjoining dwellings, Cwm

DECISION

This reference relates to the question of the ownership of land known as disused quarry adjacent to Old School and adjoining dwellings, Cwm, being the land comprised in the Land Section of Register Unit No. CL.37 in the Register of Common Land maintained by the Flintshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Mold on 12th April 1973.

There was no appearance at this hearing, but before any decision was promulgated Flintshire County Council by a letter dated 5th June 1973 requested a re-hearing on the ground that investigation of certain Inclosure Awards had shown that they could claim ownership. I acceded to this request, and the case was re-heard at Mold on 11th December 1973, when Mr. H. W. Weston appeared on behalf of the County Council. Cwm Parish Council, the applicant for registration, was represented by its Clerk, Mr. Wyn Davies, but made no claim to ownership.

The County Council's claim was founded on an Inclosure Award dated 3rd July 1819. Mr. Weston produced extracts from the Award and the annexed maps, from which it appeared that the sole Commissioner, one John Matthews, allotted several allotments in the Parish of Cwm for the purpose (inter alia) of providing materials for the repair of the highways private roads and paths within the Parish of Cwm, and appointed that the said allotments be vested in the Surveyor of the highways for the said Parish in trust for the purposes therein specified. One of such allotments, being that number 42 in the Award, consisted of the land comprised in this register unit. Under and by virtue of the Highways Acts 1862-4, the Local Government Act 1894 and the Highways Act 1959, this land has now become vested in Flintshire County Council as the highway authority.

For these reasons I am satisfied that Flintshire County Council is the owner of the land, and I shall accordingly direct the Flintshire County Council, as registration authority, to register itself as the owner of the land under section 3(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 30th day of January 1974.

A. E. Francis